

**Mar 13, 2023**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

ANGEL P.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:22-cv-03126-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 11, 18**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 18, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Michelle Pavelek represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to  
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the  
4 Appeals Council will instruct the ALJ to:

- 5 • Offer Plaintiff the opportunity for a new hearing;
- 6 • Develop the record as necessary; and
- 7 • Issue a new decision.

8 *See* ECF No. 18 at 2.

9 3. Judgment shall be entered for **PLAINTIFF**.

10 4. Plaintiff's Motion for Summary Judgment (**ECF No. 11**) is **STRICKEN**  
11 **AS MOOT**.

12 5. Upon proper presentation, this Court consider Plaintiff's application for  
13 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

14 The District Court Executive is directed to enter this Order, **enter**  
15 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

16 DATED March 13, 2023.

17 *s/Robert H. Whaley*  
18 ROBERT H. WHALEY  
19 Senior United States District Judge  
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